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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,691	09/04/2003	Shirley M. Pennebaker	14060/278088	8578
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JOHN S. PRATT, ESQ KILPATRICK STOCKTON, LLP 1100 PEACHTREE STREET ATLANTA, GA 30309			EXAMINER SHAH, PARAS D	
			ART UNIT 2626	PAPER NUMBER
			MAIL DATE 10/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/656,691

Applicant(s)

PENNEBAKER, SHIRLEY M.

Examiner

Paras Shah

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4 and 6-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-16 and 18 is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6,17,19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to the Amendments filed on 08/14/2007. Claims 2 and 5 were cancelled. Claims 1, 3, 4, and 6-20 are pending and have been examined. The Applicant's amendment and remarks have been carefully considered, but they are not in view of new grounds for rejection with regard to claims 1, 3, 4, 6, 7, 17, 19, and 20. Accordingly this action has been made FINAL. However, Claims 8-16, and 18 which have been amended have been considered allowable over the prior art.

Supplemental Amendment

2. The supplemental amendment filed on 08/14/2007 was considered by the examiner.

Change of Art Units

3. It should be noted that the Examiner has changed art units, which was formerly 2609. The Examiner's new art unit is 2626.

Response to Arguments

4. Applicant's arguments with respect to claims 1, 3, 4, 6, 7, 17, 19, and 20 have been considered but are moot in view of the new ground(s) of rejection.

Response to Amendment

5. Applicants' amendments filed on 06/18/2007 have been fully considered. The newly added claims 16-20 necessitate new grounds of rejection. The prior art reference

Art Unit: 2626

by Beeman *et al.*, Ratcliff *et al.* and Gross *et al.* has been applied to teach letter flash activity and a predetermined success threshold where the user is selected from a group.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3, 6, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beeman *et al.* ("Right and Left Hemisphere Cooperation for Drawing Predictive and Coherence Inferences during Normal Story Comprehension") in view of Ratcliff *et al.* ("Mechanisms of skill refinement: A model of long-term repetition priming")

As to claims 1, Beeman *et al.* teaches a method for improving language processing skills of a user, comprising:

directing a user to perform a warm-up activity (see page 319, 4th paragraph, "Procedure") (e.g. the directing of the activity is obvious since the user is involved in the experiment), wherein the user responds to a display of visual flash stimuli by verbalizing at least a portion of the visual flash stimuli during the warm-up activity (see page 319, 4th paragraph, "Procedure") (e.g. The words are flashed and then to verbalize the words.);

providing the warm-up activity by:

displaying a first series of visual flash stimuli to the user, the first series of visual flash stimuli is flashed on the other side of the display screen to direct the user's eye movement activity (see page 319, 4th paragraph, "Procedure") (e.g. The words are flashed and the to verbalize the words on the left and right side. The words are then each verbalized.);

once the warm-up activity is completed, directing the user to proceed to perform other mental exercises (see page 319, 4th paragraph) (e.g. The participant were given questions to the stories they were listening to.)

However, Beeman *et al.* does not disclose the use of rhyming words being displayed.

Ratcliff *et al.* does teaches the use of rhyming words (see page 325, left column, 2nd full paragraph, and "Method", 2nd paragraph, "In experiment 3...") (e.g. Orthographic similar words are presented one after the other. For example, in the reference the words lied and died are used. (see page 321, lines 1-21))

It would have been obvious to one of ordinary skilled in the art at the time the invention was made to have modified the language processing skills as taught by Beeman *et al.* with the inclusion of rhyming words as taught by Ratcliff *et al.* The motivation to have combined the references involves the ability to learning the effects of priming in word identification (see Ratcliff *et al.* page 321, left column, 3rd full paragraph). Further, the repetition of a second series of flash stimulus would have been obvious to one skilled in the art once an initial series is displayed since multiple sets of words are displayed.

As to claims 3 and 6, Beeman *et al.* in view of Ratcliff *et al.* teach all of the limitations as in claim 1, above.

Furthermore, Ratcliff teaches wherein the user verbalizes (see Beeman *et al.* page 319, 4th paragraph, "Procedure") the first rhyming word and the second rhyming word (see Ratcliff *et al.* page 325, left column, 2nd full paragraph, and "Method", 2nd paragraph, "In experiment 3..."). As to claim 6, it would be obvious to one skilled in the art to include phrases instead of words, where multiple words constitute a phrase.

As to claims 19 and 20, Beeman *et al.* in view of Ratcliff *et al.* teaches all of the limitations as in claim 1, above.

Furthermore, Beeman *et al.* in view of Ratcliff *et al.* teach the warm-up activity (see above citations of claim 1). It would have been obvious to one of ordinary skill in the art to repeat the warm-up exercises any number of times and at any portion of the day for the purpose of allowing the user to practice and learn the testing environment. Further, the amount of times the activity is repeated is a matter of design choice, where the number of times the activity is repeated can be carried. Also, the specific application of warm-up activity is determined to be different for each individual based on intellectual and mental comprehension as would be known to one skilled in the medical and psychological fields. The claim invokes intended use for claim 20.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beeman *et al.* in view of Ratcliff *et al.* as applied to claim 1 above, and further in view of Scripps Howard National Spelling Bee (May 2001).

As to claim 4, Beeman *et al.* in view of Ratcliff *et al.* teach all of the limitation as in claim 1, above.

Furthermore, Beeman *et al.* teaches wherein the user verbalizes (see Beeman *et al.* page 319, 4th paragraph, "Procedure") (e.g. The words are flashed and the to verbalize the words.) the first rhyming word (see Ratcliff *et al.* page 325, left column, 2nd full paragraph, and "Method", 2nd paragraph, "In experiment 3..."), verbalizes the first rhyming word (see Ratcliff *et al.* page 325, left column, 2nd full paragraph, and "Method", 2nd paragraph, "In experiment 3...") again and then verbalizes (see Beeman *et al.* page 319, 4th paragraph, "Procedure") (e.g. The words are flashed and the to verbalize the words.) the second rhyming word, and verbalizes the second rhyming word again.

However, Beeman *et al.* in view of Ratcliff *et al.* do not specifically teach the spelling of the words.

Scripps Howard National Spelling Bee teaches the verbalizing of a word, spelling of a word, and the verbalizing of the word again (see bullet 5). It is apparent that the incorporation of another word, such as a rhyme word can also be recited according to the process described by Scripps Howard National Spelling Bee.

It would have been obvious to one of ordinary skilled in the art to have combined the methods for improving language processing taught by Beeman *et al.* in view of Ratcliff *et al.* to the recitation of the word taught by Scripps Howard National Spelling Bee. The motivation to have combined the two references involves pronunciation and spelling test to the user (see bullet 5) (e.g. The verbalizing of a word and spelling of a word will help aide in pronunciation and spelling).

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beeman *et al.* in view of Ratcliff *et al.* as applied to claim 1 above, and further in view of Gross *et al.* (US 5,147,205).

As to claim 7, Beeman *et al.* in view of Ratcliff *et al.* teach all of the limitations as in claim 1, above.

However, Beeman *et al.* in view of Ratcliff *et al.* do not specifically teach the other mental exercise include letter flash and word flash exercise.

Gross *et al.* teaches wherein the other mental exercises include word flash exercises (see col. 14, lines 14-34). Gross *et al.* does not specifically teaches the use of letter flash exercises. However, the use of words could include letters.)

It would have been obvious to one of ordinary skilled in the art at the time the invention was made to have modified improving language processing taught by Beeman *et al.* in view of Ratcliff *et al.* with other mental exercise including letter and word flash as taught by Gross *et al.*. The motivation to have included

letter flash and word flash exercises is to allow the user to pay attention and test their recall capabilities (see Gross *et al.* col. 2, lines 35-45).

10. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beeman *et al.* in view of Ratcliff *et al.* in view of Gross *et al.* (US 5,147,205). as applied to claim 1 above, and further in view of Skeans *et al.* (US 6,626,679).

As to claim 17, Beeman *et al.* in view of Ratcliff *et al.* in view of Gross teach all of the limitations as in claim 1, above.

Furthermore, Gross teaches wherein the other mental exercises include a letter flash activity and a predetermined success threshold for the letter flash activity is 50% (e.g. Further, Gross *et al.* teaches the use of a threshold for the flash activity based on user input (see Gross Figure 40) (e.g. The figure shows the use of a threshold, where in this case all of the words have to be spelled correctly. Hence, the threshold is set to 100%. The applicant indicates the threshold be 50%. It would be obvious to adjust the threshold to another value based on design choice.).

However, Beeman *et al.* in view of Ratcliff *et al.* in view of Gross do not specifically teach the user being selected from a specific group and the threshold being changed as a result

Skeans *et al.* teaches

the threshold being changed when the user is selected from the group consisting of users with mentally intellectually impaired disorder, users with

seizure disorder or users having had a stroke (see col. 8, lines 53-56) (e.g. The environment of the learner as well as the skills, which would include the intellectual or mental ability will dictate their threshold percentage for passing.)

It would have been obvious to one of ordinary skilled in the art at the time the invention was made to have modified improving language processing taught by Beeman *et al.* in view of Ratcliff *et al.* in view of Gross *et al.* with threshold being changed based on a specific group as taught by Skeans *et al.* The motivation to have included the comparing of threshold to those of a particular group is for changing thresholds based on the learner's needs and environment (see Skeans *et al.*, col. 8, lines 53-56)..

Allowable Subject Matter

11. Claims 8-16, and 18 are allowed.

12. The following is an examiner's statement of reasons for allowance: The limitations in the above mentioned claims, specifically claim 8 discloses the limitation "...selected prefix is flashed on one side... selected suffix is flashed...displaying second series ... first selected root is flashed.. and a second root... displaying third series... the selected prefix and the first selected word root is flashed... second selected word that comprises the selected suffix and second selected word root is flashed." None of the prior art or combination thereof teach or suggest the above mentioned limitations.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Galanter *et al.* (US 5,363,154) is cited to disclose a vision training system, which trains the eyes based on certain tests.

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2626


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paras Shah whose telephone number is (571)270-1650. The examiner can normally be reached on MON.-THURS. 7:30a.m.-4:00p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (571)272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

P.S.

09/27/2007


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